

### **REMARKS**

Reconsideration of the application as amended is respectfully requested.

The examiner rejected claims 1, 5-17 and 19-22 under 35 U.S.C. §112, second paragraph, and claims 9-10 and 13-16 under 35 U.S.C. §103(a). He indicated that claims 1, 5-8, 11, 12, 17 and 19-22 would be allowable if amended to overcome §112 rejection and if claim 11 was rewritten into independent form. Claims 9,10, and 13-16 were rejected under 35 U.S.C. §103(a).

Applicant respectfully traverses the rejection under §112. Applicant notes that the aspects of the claims giving rise to the rejections have been previously reviewed by the examiner and no rejection was made. Indeed, many of them were indicated as being allowable but for certain objections to informalities that were subsequently requested. It is submitted that, in each case, the claims 1, 5-17 and 19-22 are not insolubly ambiguous and would be understood by one of ordinary skill in the art well enough to avoid infringement.

Nevertheless, in order to simply advance the application, applicant has chosen to treat the claim rejections as requests for improved language and therefore has attempted to amend claims 1, 6, 7, 9, in ways that are believed to satisfy the examiner's preferences. In doing so, applicant is not narrowing the claims.

Applicant respectfully traverses the rejection of claim 9 and its dependent claims 10 and 13-16. It is submitted that Hurren discloses only adding an additional, encapsulating header, and not adding a port identifier to the header information, as called for in claim 9. Solely for purposes of clarifying to the examiner, and not for purposes of narrowing the scope of the claim, applicant has inserted "a predetermined field within" in the 4<sup>th</sup> line of claim 9. It is submitted that the combination of Hurren and Arslan does not meet or suggest this limitation

Furthermore, with respect to claim 14, the examiner contends that the passage from col. 16, line 56 to column 17, line 2, discloses routing data frames based on a port identifier presumably contained within the iPT header. However, the cited paragraph appears to describe a learning

function, and that routing takes places solely based on the ultimate MAC address destination contained in the Ethernet frame. See col. 16, lines 35-55. Therefore, the rejection of claim 14 appears to be in error for at least this additional reason.

With respect to claim 15, it is submitted that the examiner has not explained, among other things, how either Hurren or Arslan teaches the limitation of inserting, at a node, into the header of a data frame a unique port identifier based on an IP address of a sender of the data frame. For at least this additional reason, it is submitted that the rejection of claim 15 is in error.

Because of the apparent errors noted above, it is respectfully submitted that no *prima facie* case of obviousness has been made for claim 9, and therefore claims 9, 10 and 13-16 are allowable for at least this reason.

Applicant respectfully requests reconsideration and allowance of the application as amended.

The Commissioner is hereby authorized to charge any fees due or credit any overpayments made to Deposit Account No. 070153 of Gardere Wynne Sewell LLP, referencing 131105-1006.

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Respectfully submitted,

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